

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

MICHAEL WIDMER, #B-30985,)	
)	
Plaintiff,)	
)	
vs.)	No. 12-1261-MJR-SCW
)	
PHILLIP MARTIN,)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

NOW COMES Defendant, PHILLIP MARTIN, by and through his counsel, Lisa Madigan, Attorney General for the State of Illinois, and for his Motion for Summary Judgment in accordance with Rule 56 of the Federal Rules of Civil Procedure, states as follows:

1. Plaintiff filed his Complaint against Defendant alleging deliberate indifference to plaintiff’s serious eye condition.
2. Plaintiff failed to properly exhaust his administrative remedies prior to filing his Complaint.
3. Filed contemporaneously and incorporated herein, is Defendant’s Memorandum of Law in support of his Motion for Summary Judgment.

WHEREFORE, for the above and foregoing reasons, Defendant respectfully requests summary judgment in his favor.

Respectfully Submitted,

PHILLIP MARTIN,

Defendant,

LISA MADIGAN, Attorney General
State of Illinois,

Attorney for Defendant,

By: s/ Jennifer M. Lutzke

Jennifer M. Lutzke, #6299388
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
Phone: (217) 782-9014
Fax: (217) 524-5091
E-Mail: jlutzke@atg.state.il.us

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

MICHAEL WIDMER, #B-30985,)	
)	
Plaintiff,)	
)	
vs.)	No. 12-1261-MJR-SCW
)	
PHILLIP MARTIN,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2013, I electronically filed the foregoing *Defendant's Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

None

and I hereby certify that on May 23, 2013, I mailed by United States Postal Service, the document to the following non-registered participant:

Michael Widmer #B-30985
Lawrence Correctional Center
10930 Lawrence Road
Sumner, IL 62466

Troy Doles, Heather Lea, Mark Boyko,
Sean Soyars & Kurt Sturckhoff
Schlichter, Bogard & Denton, LLP
100 S. Fourth Street; Suite 900
St. Louis, MO 63102

Respectfully Submitted,
s/ Jennifer M. Lutzke
Jennifer M. Lutzke, #6299388
Assistant Attorney General
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706
Phone: (217) 782-9014
Fax: (217) 524-5091
E-Mail: jlutzke@atg.state.il.us